

REMARKS

This Response is submitted in reply to the Office Action dated April 25, 2008. Please charge Deposit Account No. 02-1818 for any fees due in connection with this response.

The Office Action rejected Claims 1, 3 to 5, 9 to 12, 14 to 20, 27, 29 to 31, 34 to 36 and 39 to 43 under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,309,300 to Glavich ("Glavich") in view of United States Patent No. 6,428,412 to Anderson et al. ("Anderson").¹ Applicant respectfully disagrees with these rejections for at least the following reasons.

Amended Claim 1 includes at least one processor configured to operate with at least one display device and at least one input device to enable a player to pick a designated number of selections, wherein the designated number of picks of the selections is based, at least in part, on the amount of credits wagered on each of a plurality of paylines in the base game, the designated number being at least one, and wherein different designated numbers of picks of the selections are based on different wager amounts for the plurality of paylines in the base game and for each picked selection, determine a selection outcome from a plurality of selection outcomes to associate with the selection, wherein for at least one of the selections, the selection outcome associated with the selection is based, at least in part, on the amount of credits wagered on each of the plurality of paylines in the base game.

Glavich discloses a gaming device including a main game and a bonus feature. In one embodiment, the bonus feature is initiated upon the occurrence of a bonus trigger event during a play of the main game.

The Office Action appears to reason that Glavich discloses at least one processor configured to operate with at least one display device and at least one input device to enable a player to pick a designated number of selections, wherein the designated number of picks of the selections is based, at least in part, on the amount of

¹ Page 2 of the Office Action states that Claims 1 to 5, 9 to 20, 27 to 31, 34 to 36 and 39 to 43 are rejected. However, Claims 2, 13 and 28 were cancelled in the last Response. These cancellations are properly reflected in the Disposition of Claims section of the Office Action Summary.

credits wagered in the base game and for each picked selection, determine a selection outcome from a plurality of selection outcomes to associate with the selection, wherein for at least one of the selections, the selection outcome associated with the selection is based, at least in part, on the amount of credits wagered in the base game.

Specifically, page 3 of the Office Action references Glavich, specifying "(figure 1, element 116 & cols. 3-4: 58-28, wherein the selection outcome or the total number of selections picked by the player is in direct correlation the wager amount)."

Column 3, line 58 to column 4, line 28 of Glavich states:

[t]he embodiment depicted in FIG. 2 involves a bonusing feature which permits a player to select up to a certain number (referred to herein as "Z") of items out of a plurality (referred to herein as "N") of selectable items . . . N may be selected based on the size of the wager for the last main game (although in some embodiments a player may be given an option to make an additional wager or side wager related to the bonusing feature, e.g., for the purpose of increasing the value of N). For example, a game could be configured such that N equals 4 if one coin was played, N equals 6 if two coins were played, and N equals 9 if 3 coins were played, and the like. In one embodiment of the invention, N may be determined at least partially in response to outcomes or other items in the main game such as in response to accumulated points or credits, the most recent main game outcome, and the like. In some embodiments, the value of N may be selected at least partially in response to past gaming conditions, so as to assist in establishing bonusing prize probabilities configured to achieve compliance with gaming regulations and/or to control or limit overall or averaged prizes, e.g. to assist in achieving a desired game operator hold or profit. In some embodiments, the value of N may be selected at least partially randomly, such as by randomly selecting a value of N from among a plurality of candidate values or among a range of values. In one embodiment, selectable items are presented as a rectangular array of X rows and Y columns and accordingly N is selected or calculated as a product of X and Y 224. In some embodiments, selection or calculation of N may involve a combination of the above-described selection or calculation modes, such as randomly selecting N from among a first range of values in response to a 2-coin wager and randomly selecting a value of N from a second range (which includes higher potential values of N) in response to a three coin wager and the like. (emphasis added).

Consider the following explanation of Fig. 3 of the present application (provided below) in view of Claim 1. This explanation is being provided for illustrative purposes only and is not intended to limit in any capacity the scope of any of the claims.

FIG.3

BASE GAME			BONUS GAME	
CREDITS WAGERED PER LINE	NUMBER OF PAYLINES	CREDITS WAGERED	NUMBER OF PICKS	TYPES OF AWARDS ASSOCIATED WITH SELECTIONS
5	1	5	5	108 9 VALUES 109
5	14	70	5	9 VALUES
5 ~ 106b	15	75	123b ~ 5	4 VALUES + 5 SPNS
4	15	60	4	9 VALUES
3	15	45	3	9 VALUES
2 ~ 106a	15	30	123a ~ 2	9 VALUES
1	15	15	1	9 VALUES ~ 108

In this Fig. 3 embodiment ,the wager made by the player in the base game affects the outcome of the bonus game in a plurality of different manners. If, for example, the player wagers two credits per payline 106a of a maximum number of fifteen paylines in the base game, the total credits wagered in the base game 121a is thirty credits. If the bonus game is triggered, the gaming device provides the player two picks 123a of the selections in the bonus game based on the two credits wagered per payline 106a in the base game. In one embodiment, if the player does not wager the maximum amount, the types of awards associated with the selections 110 are limited to values 108. As illustrated in Fig. 3 above, if the player wagers 2 credits per payline 106a on 15 paylines, the types of awards associated with the selections (or in the context of claim 1, for illustrative purposes, "the selection outcomes") are values 108.

In the illustrated embodiment of Fig. 3, the maximum wager on the base game would be five credits per payline of fifteen paylines or seventy-five credits. If the player wagers the maximum amount per payline 106b and activates the maximum number of paylines in the base game, the player receives the maximum number of picks (five, 123b) of the selections. Further, when the player wagers five credits per payline 106b on the maximum number of paylines, the types of awards associated with the selections (or "the selection outcomes") include both credit values 108 and spins of the reels 109 in a reel bonus game.

Claim 1 includes at least one processor configured to operate with at least one display device and at least one input device to enable a player to pick a designated

number of selections, wherein the designated number of picks of the selections is based, at least in part, on the amount of credits wagered in the base game.

Glavich discloses "Z" picks of "N" selections being based on a number of coins played in a main game, but does not disclose a designated number of picks of selections being based on the amount of credits wagered on each of a plurality of paylines in a base game. The Office Action recognizes this on page 3.

Claim 1 includes at least one processor configured to operate with at least one display device and at least one input device to for each picked selection, determine a selection outcome from a plurality of selection outcomes to associate with the selection, wherein for at least one of the selections, the selection outcome associated with the selection is based, at least in part, on the amount of credits wagered on each of the plurality of paylines in the base game.

The caption of Glavich cited by the Office Action discusses the calculation of a number of player selections, "N", out of a number of possible selections, "Z". This has nothing to do with the selection outcome associated with each of the selections (in the context of the above illustrative example, type of award being a value or spin), but rather, relates to the number of player selections and total number of selections in Glavich. Thus, Glavich does not disclose the selection outcome associated with any respective selection being based on the amount of a wager in any capacity. The Office Action properly admits that Glavich does not disclose the selection outcome associated with the selection being based, at least in part, on the amount of credits wagered on each of the plurality of paylines in the base game. The Office Action referenced Anderson in an attempt to remedy this deficiency and the lack of disclosure of a designated number of picks of selections being based on the amount of credits wagered on each of a plurality of paylines in the base game in Glavich.

Anderson discloses a gaming machine including a base game and a bonus game. The player places a wager on the base game. In one embodiment, the base game is a slot-type game. The gaming machine randomly generates an outcome for the base game. If the outcome includes a "start-bonus outcome," a bonus game is triggered.

Specifically, at column 4, lines 13 to 20 (cited by the Office Action, Anderson states:

[i]ncluded among the plurality of basic game outcomes are a plurality of start-bonus outcomes for starting play of their associated bonus games. A start-bonus outcome may be defined in any number of ways. For example, a start-bonus outcome occurs when a special start-bonus symbol or a special combination of symbols appears on one or more of the reels 30-34. The start-bonus outcome may require the combination of symbols to appear along an active pay line, or may alternatively require that the combination of symbols appear anywhere on the display regardless of whether the symbols are along an active pay line. The appearance of a start-bonus outcome causes the CPU to shift operation from the basic game to the associated bonus game.

In one embodiment of Anderson (see Figs. 3 and 4), a "Word Reveal Picture Pay" bonus is triggered by three Non-Character Scrabble Tile symbols 62 displayed at respective reels 30, 31, and 32 and a Character Scrabble Tile symbol 64 at reel 33. (See Anderson, Fig. 3). Referring to Fig. 4 of Anderson, these symbols animate to spell the word "WINS." The Anderson gaming device then provides the player with an award for the word "WINS" equal to the sum of the values of each letter ($8+1+1+1$) multiplied by the player's total bet in the base game (9) multiplied by two (due to the Double Word Tile symbol on reel 31). The total award provided to the player in this example is 198 credits (see Fig. 4).

In another embodiment of Anderson, the occurrence of three or more Scrabble Board symbols along an active payline triggers a "Scrabble" bonus feature. Referring to Fig. 6, the gaming machine displays a plurality of letter bags. The machine prompts the player to select one of the letter bags. The gaming device then displays an animation of letters coming out of the selected letter bag and displays a word. The gaming device determines if the word is spelled correctly. If the word is spelled correctly, the word is placed on a Scrabble board display and factored into a bonus award in accordance with standard Scrabble scoring. If the word is spelled incorrectly, the bonus feature ends. As long as the words generated are spelled correctly, the player continues to select letter bags and receive bonus points according to the random placement of the correctly

spelled words on the Scrabble board. Once a word is spelled incorrectly, the player receives an accumulated award and the bonus feature ends.

Anderson does not disclose a number of designated picks or a selection outcome associated with a selection being based on an amount of credits wagered on each of a plurality of paylines in a base game. Page 3 of the Office Action states: "Anderson et al. allows for increase in the bonus occurrence when maximum amount is wagered on paylines." The only reference Applicant can find in Anderson which would relate to an award in a bonus game being based on a wager in a base game is column 4, lines 31 to 33, which state: "[t]he awarded bonus is equal to the sum of the values on each letter of the word multiplied by the player's total bet." Anderson does not appear to disclose anything suggesting an award (or a designated number of picks) being based on an amount of credits wagered on each of a plurality of paylines.

Even if Anderson did disclose what the Office Action asserts it does, the Office Action has not provided an adequate explanation as to why one of ordinary skill in the art would have looked to Anderson to add features to the Glavich game. The Office Action reasons that such reason would be: "to maintain or even further enhance the level of player excitement offered by the bonus game (col. 1: 40-47)." The same could be said of any two of the thousands of patents and publications in the gaming art. The Office Action is using this generic language to provide inadequate justification for a piecemeal rejection. Even if Anderson did disclose the features alleged (which it does not), such cited motivation is indicative of a 103 rejection based on improper hindsight reconstruction. Accordingly, for at least these reasons, Applicant respectfully submits that Claims 1, 3 to 5, 9 to 12, 14 to 20, 27, 29 to 31, 34 to 36 and 39 to 43 are patentable over the combination of Glavich and Anderson and in condition for allowance.

The Office Action rejected Claims 6 to 8, 21, 32, 33 and 44 under 35 U.S.C. § 103(a) as being unpatentable over Glavich and Anderson, and further in view of United States Patent No. 5,231,568 to Cohen et al. ("Cohen"). Applicant respectfully disagrees with these rejections. For at least the foregoing reasons, Applicant respectfully submits

that Claims 6 to 8, 21, 32 to 33 and 44 are patentable over the combination of Glavich, Anderson and Cohen and in condition for allowance.

The Office Action rejected Claims 37, 38, 45 and 46 under 35 U.S.C. § 103(a) as being unpatentable over Glavich and Anderson, and further in view of United States Patent No. 5,855,514 to Kamille ("Kamille"). Applicant respectfully disagrees with these rejections. For at least the foregoing reasons, Applicant respectfully submits that Claims 37, 38, 45 and 46 are patentable over the combination of Glavich, Anderson and Kamille and in condition for allowance.

Applicant has made an earnest endeavor to place this application in condition for allowance and such allowance is courteously solicited. If the Examiner has any questions related to this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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